

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LEE MOORE,	:	
	:	
Petitioner,	:	CASE NO.: C-1:00-CV-00023
	:	
v.	:	JUDGE DLOTT
	:	
BETTY MITCHELL, WARDEN	:	MAGISTRATE JUDGE MERZ
	:	
Respondent.	:	

**THE WARDEN'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PETITIONER'S MOTION FOR
CERTIFICATE OF APPEALABILITY**

The Warden moves the Court for a ten day extension of time to respond to petitioner Moore's Motion for Certificate of Appealability, such that the Warden's response would be due on or before June 12, 2008. Grounds for this motion appear in the memorandum in support.

Respectfully submitted,

Ohio Attorney General

s/Charles L. Wille

CHARLES L. WILLE (0056444)

Principal Assistant Attorney General

Capital Crimes Section

30 East Broad Street, 23rd Floor

Columbus, Ohio 43215

(614) 728-7055; (614) 728-8600 (facsimile)

Email: cwille@ag.state.oh.us

COUNSEL FOR RESPONDENT

The undersigned counsel diligently worked to timely respond to petitioner's motion for certificate of appealability, but was thwarted by a computer anomaly that led to an inadvertent erasure of the response. That circumstance, when coupled with other pressing deadlines, necessitates a request for an additional ten days to respond to petitioner's motion, which is the first, and probably only, such request. Counsel for petitioner (Larry Komp) has expressed no opposition to the request for relief.

WHEREFORE, the Warden respectfully requests that an additional ten days be granted such that the response would be due on or before June 12, 2008.

Respectfully submitted,

Ohio Attorney General

s/Charles L. Wille

CHARLES L. WILLE (0056444)
Principal Assistant Attorney General

Capital Crimes Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 728-7055; (614) 728-8600 (facsimile)
Email: cwille@ag.state.oh.us

COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *The Warden's Motion For Extension Of Time* has been sent via the court's electronic filing system to: Laurence E. Komp, Esquire (lekomp@swbell.net), 423 Madrina, Ballwin, Missouri, 63021; **and** Michael J. O'Hara, Esquire (Mohara@ortlaw.com), 25 Crestview Hills Mall Road, Suite 201, P. O. Box 17411, Covington, Kentucky, 41017; Counsel for Petitioner, this 2nd day of June, 2008.

s/Charles L. Wille

CHARLES L. WILLE (0056444)
Principal Assistant Attorney General